

## VIA ELECTRONIC FILING

<b>REQUEST TO ADD INVENTOR</b> <b>37 CFR 1.48(a)</b>  Address to: Commissioner for Patents Washington, D.C. 20231	Application Number	10/813,467
	Confirmation	4799
	Filing Date	March 29, 2004
	First Named	Bill James Peck
	Group Art Unit	1634
	Attorney Docket	10031551-1
	Title: METHODS FOR IN SITU GENERATION OF NUCLEIC ACID ARRAYS	

Sir:

Applicants herewith request a correction of inventorship in the above identified patent application under 37 C.F.R. 1.48(a) to add Marvin H. Caruthers as a co-inventor. The inventive entity was set forth in error. Such error arose without any deceptive intention on the part of the persons named or not named as an inventor.

Applicants have provided:

- a Supplemental Application Data Sheet;
- a statement from each added inventor that the error in inventorship occurred without deceptive intention on his or her part;
- an oath or declaration by the actual inventors as required by 37 CFR § 1.63;
- a new Assignment of Patent Application signed by all inventors;
- the processing fee set forth in 37 CFR § 1.17(i);
- the written consent of the assignee under 37 CFR § 1.48(a)(4);
- a Statement under 37 CFR § 3.73(b);

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078, order number 10031551-1.

Respectfully submitted,  
 BOZICEVIC, FIELD & FRANCIS LLP

Date: November 3, 2008

By: /Bret E. Field, Reg. No. 37,620/  
 Bret E. Field  
 Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
 1900 University Avenue, Suite 200  
 East Palo Alto, California 94303  
 Telephone: (650) 327-3400  
 Facsimile: (650) 327-3231

## APPLICATION INFORMATION

Application Type::	Utility
Title::	METHODS FOR IN SITU GENERATION OF NUCLEIC ACID ARRAYS
Attorney Docket Number::	10031551-1
Request for Non-Publication?::	
Assignee for Publication::	
Total Drawing Sheets::	4
Small Entity?::	Large
License US Govt. Agency::	No
Contract or Grant Numbers::	
Sequence Submission?::	No
Computer Readable Form (CRF)?::	

## INVENTOR INFORMATION

Inventor One Given Name::	BILL JAMES
Family Name::	PECK
Postal Address Line One::	1335 Montecito Avenue
Postal Address Line Two::	
City::	Mountain View
State or Province::	California
Postal or Zip Code::	94043
Citizenship Country::	CANADA

Inventor Two Given Name::	ERIC M.
Family Name::	LEPROUST
Postal Address Line One::	960 Goodacre Way
Postal Address Line Two::	
City::	San Jose
State or Province::	California
Postal or Zip Code::	95125
Citizenship Country::	FRANCE

Inventor Three Given Name::	<u>Marvin H.</u>
Family Name::	<u>Caruthers</u>
Postal Address Line One::	<u>P.O. Box 7599</u>
Postal Address Line Two::	
City::	<u>Loveland</u>
State or Province::	<u>Colorado</u>
Postal or Zip Code::	<u>80537-0599</u>
Citizenship Country::	<u>USA</u>

**CORRESPONDENCE  
INFORMATION**

Correspondence Customer Number:: 022878  
Telephone One:: (650) 485-2386  
Telephone Two::  
Fax:: (650) 485-5487  
Electronic Mail:: gordon\_stewart@agilent.com

**REPRESENTATIVE INFORMATION**

Representative Customer Number:: 24353

**CONTINUITY INFORMATION**

This application is a::  
> Application One::  
Filing Date::

This application is a::  
> Application Two::  
Filing Date::

which is a::  
>> Application Three::  
Filing Date::

which is a::  
>>> Application Four::  
Filing Date::

**PRIOR FOREIGN APPLICATIONS**

Foreign Application One::  
Filing Date::  
Country::  
Priority Claimed::

<b>STATEMENT BY MARVIN H. CARUTHERS PURSUANT TO 37 C.F.R. § 1.48(a)</b>	Application Number	10/813,467
	Attorney Docket Number	10031551-1
	Filing Date	March 29, 2004
	First Named Inventor	Bill James Peck
	Examiner	Robert Thomas Crow
	Group Art	1634
	Confirmation number	4799
	Title	METHODS FOR IN SITU GENERATION OF NUCLEIC ACID ARRAYS

Sir:

I, Marvin H. Caruthers, state as follows:

I am a co-inventor of the invention set forth in the claims of the above referenced application. I was erroneously omitted as an inventor in the above-referenced application. The inventorship error occurred without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

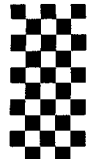
Respectfully submitted,

Date:

October 24, 2008

By:

Marvin H. Caruthers  
Marvin H. Caruthers



AGILENT TECHNOLOGIES, INC.  
Legal Department, DL 432  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10031551-1

**SUPPLEMENTAL DECLARATION**

As a below named inventor, I hereby declare that:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS FOR IN SITU GENERATION OF NUCLEIC ACID ARRAYS**

Serial No. 10/813,467, filed in the United States Patent and Trademark Office on March 29, 2004, and included in

- ☐ the attached amendment.  
☒ the amendment(s) filed on or about June 27, 2008

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understood the contents of the above identified specification, including the claims, as amended by any amendment(s) referred to above and that I have disclosed the best mode for carrying out the invention as of the effective filing date of this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR 1.56. If this is a continuation-in-part application, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior (priority) application and the National or PCT international filing date of this continuation-in-part application.

- ☐ In compliance with this duty there is attached an Information Disclosure Statement. (37 CFR 1.97).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Inventor: Bill J. Peck  
Residence: Mountain View, CA

Citizenship: Canada

Post Office Address: P.O. Box 7599, Loveland, CO 80537-0599

Inventor's Signature

Date

Sep 30, 2008

Full Name of Inventor: Eric M. Leproust  
Residence: San Jose, CA

Citizenship: France

Post Office Address: P.O. Box 7599, Loveland, CO 80537-0599

Inventor's Signature

Date

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL 432  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10031551-1

**SUPPLEMENTAL DECLARATION**

As a below named inventor, I hereby declare that:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS FOR IN SITU GENERATION OF NUCLEIC ACID ARRAYS**

Serial No. 10/813,467, filed in the United States Patent and Trademark Office on March 29, 2004, and included in

- ☐ the attached amendment.  
☒ the amendment(s) filed on or about June 27, 2008

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understood the contents of the above identified specification, including the claims, as amended by any amendment(s) referred to above and that I have disclosed the best mode for carrying out the invention as of the effective filing date of this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR 1.56. If this is a continuation-in-part application, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior (priority) application and the National or PCT international filing date of this continuation-in-part application.

☐ In compliance with this duty there is attached an Information Disclosure Statement. (37 CFR 1.97).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Inventor: Bill J. Peck  
Residence: Mountain View, CA

Citizenship: Canada

Post Office Address: P.O. Box 7599, Loveland, CO 80537-0599

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Eric M. Leproust  
Residence: San Jose, CA

Citizenship: France

Post Office Address: P.O. Box 7599, Loveland, CO 80537-0599

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

9/2/08


## SUPPLEMENTAL DECLARATION (continued)

ATTORNEY DOCKET NO. 10031551-1

Full Name of Inventor: Marvin H. Caruthers  
Residence: Boulder, CO

Citizenship: US

Post Office Address: P.O. Box 7599, Loveland, CO 80537-0599

  
Inventor's Signature

  
Date

Full Name of Inventor:  
Residence:

Citizenship:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor:  
Residence:

Citizenship:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor:  
Residence:

Citizenship:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor:  
Residence:

Citizenship:

Post Office Address:

Inventor's Signature

Date

## ASSIGNMENT OF PATENT APPLICATION

I/We, the undersigned (each) have agreed and hereby agree to assign to AGILENT TECHNOLOGIES, INC., a Delaware corporation having its principal place of business in Palo Alto, California, (hereinafter AGILENT), in furtherance of my/our obligations to AGILENT, and do hereby assign and transfer to AGILENT, its successors and assigns, the entire right, title and interest, including the right of priority, in, to and under an application for Letters Patent of the United States entitled:  
**METHODS FOR IN SITU GENERATION OF NUCLEIC ARRAYS**

Filing date: March 29, 2004

Serial No.: 10/813,467

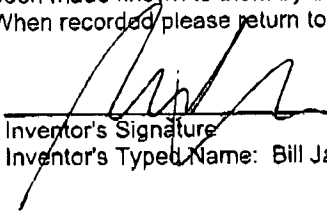
and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part (C-I-P's), divisionals, and renewals of and substitutes for said application for said Letters Patent, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor; and any reissues, or reexaminations, or extensions of said Letters Patent.

I/we additionally authorize AGILENT to file applications in my/our name for Letters Patent in any country, to be held and enjoyed by AGILENT, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by me/us had this assignment, and transfer not been made;

AND I/we hereby covenant that I/we have full right to convey the entire interest herein assigned, and that I/we have not executed and will not execute any agreement in conflict herewith, and I/we further covenant and agree that I/we will, each time a request is made, and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said invention(s) or improvement(s), said application and said Letters Patent, to AGILENT, its successors, assigns, nominees or legal representatives, and I/we agree to communicate to AGILENT, or to its nominee, all known facts respecting said invention(s) or improvement(s), said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisionals, continuations, C-I-P's, reissue and foreign applications, to make all rightful oaths and declarations, and generally to do everything possible to aid AGILENT, its successors, assigns, nominees and legal representatives to obtain and enforce, for its or their own benefit, proper patent protection for said invention(s) or improvement(s) in any and all countries provided the expenses which may be incurred by me/us in lending such cooperation and assistance are paid by AGILENT;

AND I/we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue to AGILENT, as assignee of the entire right, title and interest, any and all Letters Patent for said invention(s) or improvement(s), including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

I/we further authorize and direct AGILENT attorneys to insert the serial number and filing date of said application now identified by the attorney docket number and title set forth above as soon as the same shall have been made known to them by the United States Patent and Trademark Office.  
When recorded please return to:

  
\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: Bill James Peck

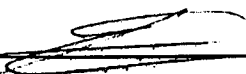
Date Assignment Signed: Sep 30, 2008  
Date Application Signed: Sep 30, 2008



AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10031551-1

## ASSIGNMENT OF PATENT APPLICATION (cont.)

  
\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: Eric M. LeProust

Date Assignment Signed: 9/2/08Date Application Signed: 9/2/08\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: Marvin H. Caruthers

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature

Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10031551-1

ASSIGNMENT OF PATENT APPLICATION (cont.)

\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: Eric M. LeProust



\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: Marvin H. Caruthers

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

Date Assignment Signed: October 24, 2008

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: \_\_\_\_\_


Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature  
Inventor's Typed Name: \_\_\_\_\_

Date Assignment Signed: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

  
\_\_\_\_\_  
Douglas A. Kundra  
Vice-President, Deputy General Counsel  
and Director of Intellectual Property  
Agilent Technologies, Inc.  
10/31/08  
\_\_\_\_\_  
Date

<b>STATEMENT UNDER 37 C.F.R. 3.73(b)</b>  Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket	10031551-1
	Confirmation No.	47991170
	First Named Inventor	Peck, Bill James
	Application Number	10/813,467
	Filing Date	March 29, 2004
	Group Art Unit	1634
	Examiner Name	Crow, Robert Thomas
Title "METHOD FOR IN SITU GENERATION OF NUCLEIC ACID ARRAYS"		

Applicant/Patent Owner:  
 Application No./Patent No.: **10/813,467** Filed/Issue Date: **March 29, 2004**  
 Entitled: "**METHODS FOR IN SITU GENERATION OF NUCLEIC ACID ARRAYS**"  
 , a states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015827, Frame 0691, or for which a copy thereof is attached.  
**OR**  
 B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

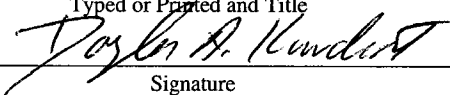
[ ] Copies of assignments or other documents in the chain of title are attached.  
 [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10/31/08  
\_\_\_\_\_  
Date

408-773-3052  
\_\_\_\_\_  
Telephone Number

Douglas A. Kundrat  
\_\_\_\_\_  
Typed or Printed and Title

  
\_\_\_\_\_  
Signature

Vice-President, Deputy General Counsel and Director of Intellectual Property, Agilent Technologies, Inc.  
 Title